



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

March 11, 2022

Re: FOIA Request NLRB-2022-000449

Dear Ms. Ashley Gjovik:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on January 24, 2022, in which you seek “[a]ny documents (reports, forms, etc) or communications (letters, emails, phone call notes, etc) about the Region 32 Director, Valerie Hardy-Mahoney, recusal from Apple Inc cases & any documented conflict of interest Ms. Hardy-Mahoney has with Apple Inc. Timeframe: 2017-2022 (current).” You assumed financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on January 24, 2022.

Your request is granted in part, and denied in part, as explained below.

Search inquiries were directed to the Agency’s Ethics Office, the Division of Operations Management, and the Region 32 office, in our effort to identify any potentially responsive records relating to any Apple, Inc., cases. Staff in those offices conducted searches for any electronic or paper records. These searches yielded five pages of responsive, releasable email communications, which are attached.

After a review of these email records, I have determined that certain portions are exempt from disclosure. Specifically, several redactions were made pursuant to FOIA Exemption 5, which protects advice, recommendations, and opinions that are part of the NLRB Ethics Office’s and Regional Office’s deliberative and decision-making process. Other redactions were made pursuant to FOIA Exemption 6, which protects information the release of which would constitute a clearly unwarranted invasion of personal privacy. One redaction is made pursuant to both FOIA Exemptions 6 as well as Exemption 7(C), which protects records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(5), (b)(6), and (b)(7)(C))

Please note that one page of the responsive records has yellow highlighted markings. These markings were in the original records and were not made by the FOIA Branch.

For the purpose of assessing fees, we have placed you in Category D, the "all other requesters" category, because you do not fall within any of the other fee categories. Consistent with this fee category, you will be assessed charges to recover the reasonable direct costs for searching for the requested records, except that you will not be charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Charges for all categories of requesters are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Less than two hours of professional time was expended in searching for the requested material. Accordingly, there is no charge assessed for this request.

You may contact Patrick Plummer, the Attorney-Advisor who processed your request, at 202-273-2999 or by email at patrick.plummer@nrlb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Kristine Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770

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Toll free: (877) 684-6448

Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (five pages)